

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

<b>SONIC SOLUTIONS ALGAE CONTROL, LLC,</b>	)	<b>Civil Action No. 3:21-cv-</b>
<b>SONIC SOLUTIONS, LLC, and</b>	)	<b>30068-MGM</b>
<b>ALGAECONTROL.US LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>DIVERSIFIED POWER INTERNATIONAL,</b>	)	
<b>LLC, and ANTONIO TRIGIANI,</b>	)	
	)	
<b>Defendants.</b>	)	

**JOINT STATEMENT IN ADVANCE OF INITIAL SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 16.1 and this Court’s Notice Of Scheduling Conference (Docket No. 66), Plaintiffs/Counter-Defendants SonicSolutions Algae Control, LLC, Sonic Solutions, LLC, and AlgaeControl.US LLC (“Plaintiffs”) and Defendant/Counter-Plaintiff Diversified Power International, LLC and Defendant Antonio Trigiani (“Defendants”) submit this Joint Statement concerning the matters discussed during the parties’ Rule 26(f) conference, which was held on September 17, 2021.

**I. Proposed Agenda of Matters to Be Discussed at Scheduling Conference**

The parties propose that a discovery plan and motion schedule be discussed at the court conference scheduled on October 8, 2021 (“Scheduling Conference”).

**II. Proposed Discovery Plan and Motion Schedule**

**A. Initial Disclosures.**

The parties have served their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

**B. Proposed Case Schedule.**

Plaintiffs will file a Motion for Reconsideration, Notice of Appeal, or any other initial briefing concerning the Order on Plaintiff's Motions for Preliminary Injunction on or before Thursday, October 7, 2021. Defendants will respond consistent with the deadlines set forth in the Local Rules.

The parties propose the following schedule for discovery events:

1. Fact Discovery shall be completed by Friday, May 6, 2022.
2. All parties shall disclose expert(s) and submit expert report(s) pursuant to Fed. R. Civ. P. 26(a)(2)(B) by no later than Monday, May 23, 2022.
3. All parties shall submit any rebuttals to expert report(s) pursuant to Fed. R. Civ. P. 26(a)(2)(B) by Friday, June 24, 2022.
4. Deposition(s) of expert(s) shall be completed by Friday, August 12, 2022.
5. Parties shall file any dispositive motion(s), including motions for summary judgment, by Friday, September 23, 2022.
6. Parties shall file opposition(s) to dispositive motion(s) by Friday, October 14, 2022.
7. Parties shall file their reply to opposition(s) to dispositive motion(s), if any, by Friday, October 28, 2022.

### **III. Electronically Stored Information**

Plaintiffs have proposed that all electronically stored information ("ESI") should be produced in native format, and offered a list of metadata, a true and accurate copy of which is incorporated into this memorandum, to be included in the production of such ESI. Defendants are considering these proposals but at this time are unable to agree. The parties continue to discuss the likely scope and use of ESI discovery in this case.

**IV. Discovery Event Limitations**

The parties do not propose any modification to the default discovery limitations pursuant to Local Rule 26.1(c) at this time.

**V. Confidential and Privileged Information**

The parties will submit to the Court a Stipulated Confidentiality Agreement that addresses the production of confidential information and a [Proposed] Stipulated Protective Order Governing “Clawback” of Inadvertently Produced Documents pursuant to Federal Rule of Evidence 502.

**VI. Trial by Magistrate Judge**

The parties have conferred and respectfully do not consent to trial by magistrate judge.

**VII. Certifications of Conferences Regarding Budget and Alternative Dispute Resolution**

The parties will file their respective certifications pursuant to Local Rule 16.1(d)(3) under separate cover prior to the Scheduling Conference.

**VII. Settlement Proposal**

Pursuant to Local Rule 16.1(c), Plaintiffs communicated their settlement proposal to Defendants on Tuesday, September 26, 2021, which was rejected by Defendants. Defendants have made no settlement proposal concerning their Counterclaims.

Dated: October 5, 2021

PLAINTIFFS,

**SONICSOLUTIONS ALGAE CONTROL,  
LLC,**

**SONIC SOLUTIONS, LLC, and  
ALGAECONTROL.US LLC**

By Their Attorneys,

/s/ James C. Duda

James C. Duda, Esq. (BBO # 551207)  
Lauren C. Ostberg, Esq. (BBO # 696883)  
Bulkley, Richardson and Gelinas, LLP  
1500 Main Street, Suite 2700  
Springfield, MA 01115-5507  
Tel. (413) 272-6284  
jduda@bulkley.com  
lostberg@bulkley.com

DEFENDANTS,

**DIVERSIFIED POWER INTERNATIONAL,  
LLC and ANTONIO TRIGIANI**

By Their Attorneys,

/s/ Mark S. Dessauer

Mark S. Dessauer, Esq.  
TN BPR NO.: 010421  
Hunter, Smith & Davis, LLP  
1212 North Eastman Road  
Post Office Box 3740  
Kingsport, Tennessee 37664-0740  
[dessauer@hsdlaw.com](mailto:dessauer@hsdlaw.com)  
(423) 378-8840; Fax: (423) 378-8801  
Admitted Pro Hac Vice

Karen Sutherland, Esq.  
Mass. Bar No. 684923  
THE SUTHERLAND LAW FIRM, LLC  
123 Main Street, Suite B  
Belfast, Maine 04915  
(207) 218-1524/ (207) 218-1624  
[ksutherland@thesutherlandlawfirm.com](mailto:ksutherland@thesutherlandlawfirm.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> of October, 2021, this document was filed through the ECF system, will be sent electronically to all registered participants as identified on the Notice of Electronic Filing (“NEF”).

/s/ Lauren C. Ostberg

Lauren C. Ostberg

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